IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

GREGORY MINARD,)
Plaintiff,)
v.) Case No.: 2:18-cv-01222-AKK
SAM'S EAST, INC. d/b/a)
SAM'S CLUB,)
)
Defendant.)

DEFENDANT SAM'S EAST, INC.'S MOTION FOR SUMMARY JUDGMENT

Pursuant to <u>Fed</u>. <u>R</u>. <u>Civ</u>. <u>P</u>. 56, Defendant Sam's East, Inc. ("Sam's") moves for summary judgment as to each of the Plaintiff's claims on the grounds that there are no genuine issues of material fact, and Sam's is entitled to judgment as a matter of law. In support of this motion, Sam's relies on the following:

- 1. The pleadings in this case;
- 2. A brief in support of this motion, filed contemporaneously herewith;
- 3. Deposition testimony of Plaintiff Gregory Minard, including exhibits thereto;
- 4. Deposition testimony of Alejandro Figueroa-Munoz, including exhibits thereto;
 - 5. Deposition testimony of Athena Rushforth, including exhibits thereto;

- 6. Deposition testimony of Ben Newton, including exhibits thereto;
- 7. Deposition testimony of Daren Goodroe, including exhibits thereto;
- 8. Deposition testimony of Deltrinae Hodges, including exhibits thereto;
- 9. Deposition testimony of Marshall Bacote, including exhibits thereto; and
 - 10. Deposition testimony of Reeca Dildy, including exhibits thereto.

As the foregoing matters affirmatively and without dispute demonstrate, Sam's is entitled to summary judgment as a matter of law.

Respectfully submitted this 6th day of March, 2020.

/s/ Jonathan S. Harbuck Jonathan S. Harbuck (ASB-0906-U70J)

/s/ Lynlee Wells Palmer
Lynlee Wells Palmer (ASB-4367-T82P)

/s/ Brandon A. Jackson
Brandon A. Jackson (ASB-7622-U15X)

Attorneys for Defendant, Sam's East, Inc.

OF COUNSEL:

HARBUCK KEITH & HOLMES LLC

Grandview II, Suite 400 3595 Grandview Parkway Birmingham, Alabama 35243 Telephone: (205) 547-5540 Facsimile: (205) 547-5621

E-Mail:

jharbuck@hkh.law lpalmer@hkh.law

CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2020, I filed the foregoing with the Clerk of Court using the CM/ECF system, which will electronically send notice to the following counsel of record:

Alicia K. Haynes, Esq. Haynes & Haynes, P.C. 1600 Woodmere Drive Birmingham, Alabama 35223 205-879-0377

Email: akhaynes@haynes-haynes.com

/s/ Lynlee Wells Palmer
OF COUNSEL